

Frequently Asked Questions

on the practical application of the UK IUU Regulation and the EU IUU Regulation

IMPORTS OF UK FISHERY PRODUCTS INTO THE EU

1. Which are the authorities in charge of issuing the catch certificates in the UK?

The Fish Export Service is used to issue catch certificates on behalf of all UK and Crown Dependency Fisheries Authorities. The UK IUU Single Liaison Office is the contact point for any issues with regards to UK generated catch certificates and any questions should be initially directed to them, please contact via the following email address: ukiuuslo@marinemanagement.org.uk.

2. What is the state of play regarding the Flag State Notification of the UK as third country under Article 20 of the IUU Regulation? Where to find the UK Flag State Notification?

The Commission acknowledged receipt of the UK notification in accordance with Article 20. The notification is published on MARE website:

https://ec.europa.eu/fisheries/cfp/illegal_fishing/info

The updated list of flag State notifications was published in the *Official Journal of the European Union* on 18.01.2021.

The notification is also uploaded in SMS since **1 January 2021** (and currently in CIRCABC).

In addition, the UK has informed, in relation to its Flag State Notification, that UK operators must submit the catch certificates for validation through its Fish Exports Service. If UK authorities are satisfied with the presented information, a validated catch certificate will be generated electronically with a unique code (QR code) as well as date of acceptance which can be used for control purposes upon imports into the EU.

3. Is there a possibility to import in the EU in 2021 fishery products caught in 2020 by UK-flagged vessels?

As the transition period foreseen by the Withdrawal Agreement ceased to apply on 31 December 2020, the IUU Regulation applies to UK as third country as from 1 January 2021. Hence, it only concerns marine catches obtained by UK vessels as from 1 January 2021. Consequently, any products stemming from catches taken by UK vessels before that date do not need to be accompanied by a catch certificate.

The competent EU Member States' authorities may however request suitable documentation from importers or other operators concerned in order to determine that catching activities by UK vessels actually occurred prior to 1 January 2021 in accordance with applicable rules. The legality of these catches must be demonstrated with documents such as logbooks, landing declarations, etc. and it is up to the Member States to prevent any misuse.

This is without prejudice to any customs rules that need to be complied with as from 1/1/2021.

- 4. What are the rules applicable to UK catch certificates validated in 2020 and used for fish processed in a third country (in accordance with the EU IUU Regulation Article 14 (2)) where there is still quantity to be exported to the EU under that the catch certificate? Can these UK catch certificates be used also for exports into the EU in 2021?**

The catch certificates validated by the UK prior to 1 January 2021 continue to be valid for fish that has been processed in third countries prior to exportation to the EU.

- 5. Where can I find the list of Union designated ports to be used for landing or transshipment of fishery products and port services operations by UK flagged fishing vessels?**

List of designated ports: you can find it on the MARE website:
https://ec.europa.eu/fisheries/cfp/illegal_fishing/info

- 6. May we expect an administrative agreement with UK on digitalisation of catch certificates and Article 14 documents? Without such agreement, only paper documents may be applied?**

Catch certificates from the UK (and any other third country) have to be submitted in accordance with the flag State notification of this country. Relevant information is available in CIRCABC.

The use of the IT CATCH, will become compulsory if/when the proposal made by the Commission (COM (2018) 368 final) will be adopted (by Council of the European Union and European Parliament) and enters into force. The Commission proposal also foresees that the direct use of CATCH by third countries operators and authorities is possible if they decide so (it will remain voluntary).

- 7. Is the 5% inspection benchmark in Article 9 of the IUU Regulation expected to be increased because of Brexit?**

No, the 5% benchmark will not be amended due to the Brexit. 5% benchmark is the minimum set by the IUU Regulation. However, Member States can set higher benchmarks if necessary to effectively detect IUU fishing cases. In that context, they must also act in accordance with Article 12 of the FAO Port State Measures Agreement (levels and priorities for inspection).

- 8. Are IUU catch certificates also required for vessels from the Crown Dependencies landing to EU ports?**

Yes, catch certificates are required for fishery products landed into EU ports from vessels flying the flag of the Crown Dependencies. There are no exemptions from the requirement of IUU catch certificates' submission for products stemming from vessels flagged to the Crown dependencies.

EXPORTS OF FISHERY PRODUCTS FROM THE EU TO THE UK

9. What should Member States do to export fishery products to the UK?

You can find information in UK website:

<https://www.gov.uk/guidance/import-fish-from-the-eu-from-1-january-2021>

10. Which UK ports are EU fishing vessels entitled to access as of 1 January 2021?

The list of UK designated ports in which third country fishing vessels are required to land, tranship and/or access port services, in accordance with Article 5 of the UK IUU legislation, was published on NEAFC's website on 21 December 2020: <https://psc.neafc.org/designated-contacts#GBR>. All NEAFC contracting parties, including the EU, have received a formal notification of this. The ports included on this list are the same as those designated for IUU purposes.

11. In case of fish caught by a third country vessel and exported to EU, subsequently re-packed or processed in different EU Member States and a share of this fish is re-exported to the UK. Are the EU Member States responsible for documentation with regards to Article 14 (1) and (2) of the UK IUU legislation? Where can these documents be found?

The UK IUU legislation mirrors Article 14 (1) and 14 (2) of the EU IUU Regulation and the UK provided a template for the processing statement and storage document.

As regards Article 14 (1) of the UK IUU Regulation (reference to storage document), where fishery products are stored prior to being exported from the EU into the UK, importers need to provide documentary evidence, issued by the competent authority of that (EU) Member State, as required in accordance with article 14 (1) (b). Any documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition and remained under the surveillance of the competent authorities, can be submitted to UK competent authorities. This could also be in the form of a storage document.

<https://www.gov.uk/guidance/import-fish-from-the-eu-from-1-january-2021>

12. In the case of fish caught by UK vessels and exported to EU (direct landing in EU), the fish is then re-packed or processed in different EU Member States and this fish is re-exported to the UK. Do EU operators have to provide the appropriate documentation with regards to Article 14 (1) and (2) of the IUU Regulation?

As of 1st January 2021 all direct landings by UK vessels to EU ports should be accompanied by a catch certificate issued by the UK Marine Management Organisation (MMO). If the products are then processed / stored in the EU and finally re-exported to the UK, this would require a processing statement / document complying with Article 14 (1) provisions, along with a copy of the original catch certificate.

13. UK is asking for Annex IV and storage document to Member States under UK legislation. Should each Member State draw up their own ones?

Any document complying with the template of Annex IV provided by the UK could be used (in EN).

As regards Article 14 (1) of the UK IUU legislation (reference to storage), where fishery products are stored prior to being exported from the EU into the UK, importers will need to provide documented evidence, issued by the competent authority of the EU Member State, as required in Article 14 (1) (b) of the UK legislation. Any documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition and remained under the surveillance of the competent authorities, can be submitted to UK competent authorities. This could also be in the form of a storage document using the format provided by UK or any other form that fulfils the latter.

14. Does UK require processing statements for products derived from fish caught by UK vessels before 01.01.2021, processed in the EU and then re-exported to the UK in 2021?

Fish caught by UK vessels prior to the 1 January 2021 does not require a catch certificate when imported into the EU. The competent EU Member States' authorities may, however, request suitable documentation from importers or other operators concerned in order to determine that catching activities by UK vessels actually occurred prior to 1 January 2021 in accordance with applicable rules. The legality of these catches must be demonstrated with the documents such as logbooks, landing declarations, etc. and it is up to the Member States to prevent any misuse.

According to information received from UK authorities, in such case, only a processing statement should be required upon importation into the UK. The column for catch certificate number should be annotated "Pre 2021 caught fish". There is also no requirement for the processing statement to reference the "health certificate number and date".

15. In case fishery products come into the EU in Member State 1, in 2020, with a third country catch certificate, they are processed in Member State 1. The products are then transported to Member State 2, where they are stored. The products are then exported to the UK after the 1 of January 2021. Does Member State 2 need to issue a 14 (1) document for these products or is it sufficient that an Annex IV is issued by Member State 1?

Both the 14 (1) document endorsed by Member State 2 and 14 (2) document endorsed by Member State 1 need to be produced.

16. When the catch comes from a Member State vessel, is processed in the same Member State and then it is exported, is a processing statement endorsed by this Member State required?

No, in this case a catch certificate is required, but no processing statement.

17. When a landing of an EU Member State vessel is split into several trucks for transport to the UK, are individual catch certificates required for each truck with the weight of the portion of the catch on each of the trucks or can the entire landing be covered by a single catch certificate?

The general rule is one catch certificate per consignment.

Where all catches landed from one vessel have been attributed to a consignment, then the catch certificate will show the vessel details, area of capture, date or dates, species, commodity and total weight even if this consignment is split over several lorries or containers. In this case the split consignments will be accompanied by a copy of the catch certificate.

Where catches from more than one vessel have been attributed to a consignment, then the catch certificate will contain each vessel details, area of capture, date or dates, species, commodity and the total weight of each species or commodity that makes up the consignment.

Where a single vessel (all catches from one landing) has contributed to more than one consignment, then the proportion of the landing used in each consignment will be shown on each catch certificate. The catch certificate (for each consignment) will show the weight of each species and commodity that has made up that consignment.

Where several vessels (catches from each respective landing) have contributed to more than one consignment then the catch certificate (for each consignment) will show the total weight of each species and commodity in the consignment, catch area(s) and date or dates (all this referred to each vessel).

A catch certificate covering each consignment should be presented at the UK border.

One catch certificate must only include vessels from a single EU Member State and be validated by the competent authority of that EU Member State.

18. What documents are needed when the fish from an EU Member State flagged vessel is landed in the same EU Member State and is directly sent to the UK?

If the fish is caught by a fishing vessel flagged to an EU Member State and the catch is landed in the same Member State and then is exported to the UK, the flag State has to validate a catch certificate for each consignment.

19. What documents are needed when the fish from an EU Member State flagged vessel is landed in the same EU Member State and is transported to another EU Member State where it is processed or stored and then is sent to the UK?

If the fish is landed by a fishing vessel flagged to an EU Member State, transported to another EU Member State where it is processed or stored, then the flag Member State has to issue a catch certificate and the Member State/s where the processing/storage takes place have to issue a processing statement and/or proof of storage.¹

20. Where fish sourced from a third country flagged vessel is imported into the EU, then processed or stored in an EU Member State and then exported to the UK, what documents are required?

In this situation the fish has been imported into the EU with a catch certificate in accordance with the EU IUU Regulation. If any of this fish is exported onto the UK, then an EU Member State processing statement or proof of storage will be needed if it is processed or stored in an EU Member State prior to exportation to the UK. (See also Q15).

21. Is a 14 (1) document needed in case of EU products caught by a different Member State than the exporting Member State?

If the fishery products have been caught by a vessel flagged to one Member State, then transported and stored in another Member State prior to being exported to the UK, the proof of storage from the Member State, where it was stored, will be needed prior to exportation to

¹ The content of this information, provided by the UK to Commission in March 2021, is subject to further bilateral discussions between the Commission and the competent UK authorities.

the UK. This can be in the form of a transport document or a document generated by that Member State to show the information required in accordance with article 14 (1)

22. Can the re-export certificate replace a 14 (1) document in case of re-export of products to the UK?

The re-export section of an EU IUU Regulation catch certificate is intended to trace quantities of fish imported in the EU with a catch certificate and thereafter re-exported. This to ensure adequate traceability in case such products re-enter the EU afterwards.

As such, EU re-export certificate is not intended to be used to replace the document described in Article 14 (1) of the UK IUU Regulation. The re-export certificate does not contain all of the required information to satisfy the provisions of UK IUU Regulation (Article 14 (1)). Therefore, proof of storage would be needed.

23. An EU operator imports fishery products (caught by a vessels flying the flag of a third country) into a Member State A. The imported fishery products are then processed in that Member State. A processing statement is submitted to and endorsed by Member State A authorities for the consignment of the processed products to be exported to the UK. The products are sent to another Member State B and stored there in a warehouse. Eventually only part of the products covered by the processing statement are exported to the UK from that warehouse. What documents are required for the given export to the UK?

The consignment of products destined to the UK should be accompanied (i.e. UK importer should submit to the UK IUU competent authority) by the following documents:

- Original (if available) or copies of catch certificates from the flag State of the vessel that caught the fish subject to processing and was used for import into the EU Member State A.
- Original (if available) or copy of the processing statement from the Member State A where the processing took place.
- Storage document from the Member State B where products were stored in relation to the quantity of products being exported to the UK. Any other information and documents complying with Article 14.1 of the UK IUU legislation could also be submitted for that purpose.